

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

QUANTEL LOTTS,)	
)	
Petitioner,)	
)	
vs.)	Case No. 4:07CV610 RWS
)	
JAMES PURKETT,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before me on petitioner's motion to alter or amend judgment. On February 22, 2010, I denied petitioner's petition for writ of habeas corpus. Petitioner asks me to reconsider this decision, as well as my January 25, 2008 Order overruling petitioner's objections to Magistrate Judge Lewis M. Blanton's decision to deny petitioner's motion to stay and hold his habeas petition in abeyance pending exhaustion of certain of his claims in state court. Petitioner sought a stay and abeyance to bring claims before the Missouri state courts that his sentence of life imprisonment without parole violated the Eighth and Fourteenth Amendments. Petitioner was fourteen years old when he was found guilty of first degree murder and armed criminal action. Petitioner argues that his eighth and fourteenth amendment claims are supported by the United States Supreme Court's

decisions in Roper v. Simmons, 543 U.S. 551 (2005), and Graham v. Florida, 130 S.Ct. 2011 (May 17, 2010). I will deny petitioner's motion to alter or amend judgment because I continue to believe that petitioner is wrong about the law.

Neither Roper nor Graham prohibit imposition of a life without parole sentence for a juvenile offender who commits homicide. See Graham, 130 S.Ct. at 2034 ("The Constitution prohibits the imposition of a life without parole sentence on a juvenile offender who did not commit homicide.") (emphasis supplied); see also United States v. Jones, 574 F.3d 546, 553 (8th Cir. 2009) ("Therefore, 'the rationale of [Roper] applies only with limited, if any, force outside the context of capital punishment.'") (quoting United States v. Feemster, 483 F.3d 583, 588 (8th Cir. 2007), vacated and remanded on other grounds, 128 S.Ct. 880 (2008)).

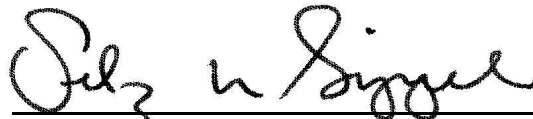
Because petitioner has failed to demonstrate that his claim is potentially meritorious, see Rhines v. Weber, 544 U.S. 269, 277 (2005) (holding that district court would abuse discretion if it granted petitioner stay when unexhausted claims were meritless), I did not err in failing to grant petitioner's motion for stay and abeyance. Accordingly, petitioner's motion to alter or amend judgment on this point is denied.

Petitioner's remaining points raised in his motion to alter or amend judgment amount to nothing more than his disagreement with my previous

Memorandum and Order denying habeas relief. As I continue to believe that my decision to deny habeas relief was correct and petitioner has come forward with no new factual or legal arguments that would entitle him to habeas relief, the motion to alter or amend judgment will be denied.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion to alter or amend judgment [#36] is denied.

A handwritten signature in black ink, appearing to read "Rodney W. Sippel", written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 29th day of June, 2010.